National Labor Relations Board



Weekly Summary of NLRB Cases

Division of Information

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<u>CASES SUMMARIZED</u> VISIT WWW.NLRB.GOV FULL TEXT

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Friendly Cab Co., Inc., et al. (32-CA-21613-1; 344 NLRB No. 64) Oakland, CA April 20, 2005. The Board adopted the administrative law judge's finding that the Respondent violated Section 8(a)(5) and (1) of the Act by failing and refusing on and after August 19, 2004, to meet and bargain with East Bay Taxi Drivers Association as the exclusive collective-bargaining representative of its taxicab drivers. [HTML] [PDF]

The Respondent contended that the Union was improperly certified because its taxicab drivers are independent contractors and not employees. In the underlying representation proceeding reported at 341 NLRB No. 103 (2004), the Respondent raised the same argument in its request for review of the Regional Director's determination that the drivers were employees. The Board granted the request for review but concluded, on the merits, that the drivers were employees and not independent contractors.

Chairman Battista and Member Schaumber did not participate in the representation case but agreed with the judge that the Respondent has not offered any newly discovered and previously unavailable evidence, nor alleged any special circumstances that would require the Board to reconsider its decision in the representation case.

(Chairman Battista and Members Liebman and Schaumber participated.)

Charge filed by East Bay Taxi Drivers Assn.; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Oakland on Jan. 27, 2005. Adm. Law Judge Jay R. Pollack issued his decision Feb. 10, 2005.

North Hills Office Services, Inc. (22-CA-26250; 344 NLRB No. 63) Woodbury, NJ April 18, 2005. The Board held, in agreement with the administrative law judge, that the Respondent violated Section 8(a)(5) and (1) of the Act by failing and refusing to implement the wage increase for part-time unit employees as agreed to by the Respondent and Service Employees Local 32B-32J. It amended the judge's recommended remedy to provide that backpay shall be computed in the manner provided in *Ogle Protection Service*, 183 NLRB 682 (1970), enfd. 444 F.2d 502 (6th Cir. 1971), rather than F. W. Woolworth Co., 90 NLRB 289 (1950). [HTML] [PDF]

(Chairman Battista and Members Liebman and Schaumber participated.)

Charge filed by Service Employees Local 32B-32J; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Newark on Sept. 28, 2004. Adm. Law Judge Margaret M. Kern issued her decision Jan. 7, 2005.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Operating Engineers Local 12 (an Individual) San Francisco, CA April 14, 2005. 28-CB-6173; JD(SF)-32-05, Judge Gerald A. Wacknov.

Kathleen and Timothy McTague d/b/a McTague Enterprises (Teamsters Local 137) Eureka, CA April 18, 2005. 20-CA-32044, 20-RC-17971; JD(SF)-33-05, Judge James M. Kennedy.

Mercy, Inc. d/b/a American Medical Response (Service Employees Local 1107) Las Vegas, NV April 19, 2005. 28-CA-19495; JD(SF)-31-05, Judge James L. Rose.

Children's Services International, Inc. (Service Employees Local 817) Salinas, CA April 19, 2005. 32-CA-21495-1; JD(SF)-35-05, Judge Jay R. Pollack.

HQM of Spencer County, Inc. (Food & Commercial Workers Local 227) Taylorsville, KY April 20, 2005. 9-CA-41323, 9-RC-17927; JD(ATL)-15-05, Judge Margaret G. Brakebusch.

The Wackenhut Corp. (Service Employees) Takoma Park, MD April 20, 2005. 5-CA-31927; JD-26-05, Judge Michael A. Rosas.

LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following cases, the Board considered exceptions to and adopted Reports of Regional Directors or Hearing Officers)

DECISION AND CERTIFICATION OF REPRESENTATIVE

Brunner International, Inc., Medina, NY, 3-RC-11501, April 20, 2005 (Chairman Battista and Members Liebman and Schaumber)

DECISION AND DIRECTION [that Regional Director open and count ballots]

First Responder EMS-Sacramento, Inc., Sacramento, CA, 20-RC-17970, April 21, 2005 (Chairman Battista and Members Liebman and Schaumber)

(In the following cases, the Board adopted Reports of Regional Directors or Hearing Officers in the absence of exceptions)

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Seawolf Marine Towing, Inc., Bayonne, NJ, 22-RD-1386, April 21, 2005 (Chairman Battista and Members Liebman and Schaumber)

DECISION AND DIRECTION [that Regional Director open and count ballots]

South Dakota Concrete Products, Billings, MT, 27-RC-8330, April 21, 2005 (Chairman Battista and Members Liebman and Schaumber)

(In the following cases, the Board granted requests for review of Decisions and Directions of Elections (D&DE) and Decisions and Orders (D&O) of Regional Directors)

Jackson Terrace Associates, Garden City, NY, 29-RD-1037, April 19, 2005 (Chairman Battista and Members Liebman and Schaumber) Rite Aid of Ohio, Inc., Cleveland Heights, OH, 9-RC-17848, April 19, 2005 (Chairman Battista and Members Liebman and Schaumber)

(In the following cases, the Board denied requests for review of Decisions and Directions of Elections (D&DE) and Decisions and Orders (D&O) of Regional Directors)

Teck Cominco Alaska, Inc., Anchorage, AK, 19-RC-14650, April 19, 2005 (Chairman Battista and Members Liebman and Schaumber)
